

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
	Ryuzo Iga et al.)
)
Serial No.:	10/577,626) Art Unit
) 2828
Filed:	April 28, 2006)
)
Confirmation No.:	9935)
)
For:	SEMICONDUCTOR OPTICAL DEVICE AND)
	A METHOD OF FABRICATING THE SAME)
)
Examiner:	Patrick Stafford)

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant respectfully disagrees in part with the Examiner's Statement of Reasons for Allowance as set forth in the communication mailed on January 26, 2010. The Applicant concurs with the Examiner's conclusion that the prior art does not suggest or render obvious the claimed invention.

However, Applicant respectfully submits that the claimed invention as set forth in each of the independent claims and the dependent claims must be read as a whole, and not as a single feature or subcombination of features which represent less than the entirety of the claimed invention as a whole. While a particular feature or subcombination of features referred to by the Examiner in the Statement of Reasons for Allowance may represent a basis for distinguishing the claimed invention over the prior art, Applicant submits that this may not necessarily be the *sole* ground for distinguishing the claimed invention over the prior art of record. Accordingly, the Examiner's statement should, in Applicants' view, not be read as constituting or meaning that the invention can or should be reduced to a single "feature" of the invention or to a subcombination of features that is less than the entire invention claimed as a whole, nor that the single feature referenced by the Examiner or subcombination of features referenced by the Examiner in the Statement of Reasons for Allowance is the only or sole grounds for distinguishing the invention over the prior art of record.

March 4, 2010

Page 2

Dated this 4th day of March 2010.

Respectfully submitted,

/Dana L. Tangren/ Reg # 37246

DANA L. TANGREN

Attorney for Applicant

Registration No. 37,246

Customer No. 022913

Telephone No. 801.533.9800

DLT:dfw

2765663_1.DOC